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4 FINJAN, INC.,

5 Plaintiff,

6 v.

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9 CHECK POINT SOFTWARE
10 TECHNOLOGIES, INC., et al.,

11 Defendants.

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13 Case No. 18-cv-02621-WHO (JCS)

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15 **ORDER GRANTING MOTION TO**
COMPEL

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17 Re: Dkt. No. 119

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19 The parties filed a joint letter brief in which plaintiff seeks documents and a further
20 interrogatory response (the “motion”). The motion is **GRANTED** as follows:

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22 1. Within thirty (30) days, defendants shall produce documents responsive to plaintiff’s
23 Requests for Production Nos. 20-27, 55-58, and 60-63. This shall include documents
24 regarding the costs of the accused products, gross and net profits, revenues,
25 pricing, and valuations of the products, worldwide. These documents are relevant to
26 damages and to obviousness. Defendants only position taken in the joint letter on these
27 requests is that this issue has not been the subject of an in person meet and confer, and
28 the letter comes more than five (5) days after what in person meeting did occur.
Neither position is well taken.

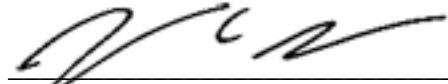
2. Within thirty (30) days, defendants shall fully answer Finjan’s Interrogatory No. 9,
except for the last comma phrase of the interrogatory regarding prior art. The burden of
answering this Interrogatory asking which source code corresponds to which accused
device is substantially greater for plaintiff than for defendants, and, accordingly, a Rule
33(d) response is inadequate.

3. For purposes of this Order and the responses required above, the accused devices are

1 contained in the list attached as Exhibit B to the Joint Letter.
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3 **IT IS SO ORDERED.**

4 Dated: May 22, 2019



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6 JOSEPH C. SPERO
7 Chief Magistrate Judge
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